

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 4/8/2021

Eslam Hassan,

Plaintiff,

-v-

Correction Officer Jane Doe, *et al.*,

Defendants.

19-cv-8864 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On December 1, 2020, the Defendants filed a motion to dismiss for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and served the motion on the Plaintiff the same day. *See* Dkt. Nos. 41, 44. Pursuant to Local Rule 6.1(b), the Plaintiff's opposition to the motion was due within fourteen days of service of the motion. The Court received no opposition to the motion and thus ordered the Plaintiff to respond to the motion by January 29, 2021. Dkt. No. 45. In that Order, the Court warned that it would dismiss the action for failure to prosecute on the Defendants' unopposed motion if the Plaintiff did not file a response.

To date, the Plaintiff has not filed a response to the Defendants' motion. The Plaintiff's last communication with the Court appears to have been on February 14, 2020. Since then, mail directed both to the most recent address the Plaintiff has provided the Court and to his prior address has been returned as undeliverable. The Plaintiff has taken no steps to update his address with the Court or otherwise participate in this litigation in over a year.

Considering the factors set out in *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206 (2d Cir. 2001), the Court finds that dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) is appropriate. The Plaintiff has not participated in this litigation in over a year

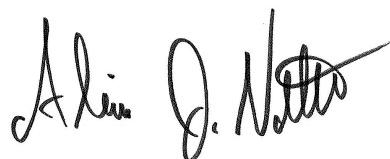
and has not opposed the Defendants' motion to dismiss on that basis. The Court warned that it would dismiss the action for failure to prosecute if the Plaintiff did not respond to the Defendants' motion by January 29. Now, more than three months have passed since that Order and more than two months have passed since the deadline set by the Court. There is no indication that the Plaintiff intends to continue to prosecute this action in the future.

It is therefore ORDERED that the Defendants' unopposed motion to dismiss the action for failure to prosecute (Dkt. No. 41) is GRANTED. The Clerk of Court is respectfully directed to close the case.

The Clerk of Court is respectfully directed to mail a copy of this Order to the Plaintiff and to note the mailing on the public docket.

SO ORDERED.

Dated: April 8, 2021
New York, New York



ALISON J. NATHAN
United States District Judge